



WORTH PARISH COUNCIL



Clerk: Mrs Jennifer Nagy

18th May 2021

Mr Ashcroft
c/o Estelle Maisonnial
Senior Planning Policy Officer
Mid Sussex District Council

VIA EMAIL

Dear Mr Ashcroft,

The Parish Council would like to thank you for your kind comments regarding the neighbourhood plan. Great care has been taken to ensure that the plan is clear, concise and supported by appropriate documents.

The Parish Council welcomes this opportunity to provide the clarifications requested and would ask that if any further queries arise out of the comments below that we are approached again for comment.

For clarity, this note sets out your comments verbatim in a box, followed by the response from the Parish Council.

Policy CNP3

In the second part of the policy does the Parish Council have any specific evidence to justify the approach taken?

The lack of suitable housing for older people has been identified through engagement and consultation with the community. There is a worrying trend that has developed which is the loss of single storey properties (such as bungalows) that provide suitable accommodation for the elderly being extended, often having a second floor added. This turns what are generally smaller single level properties into larger family homes. Whilst this meets a demand, the unintended result is a reduction in the number of properties in the plan area which are suitable for older people.

On review, we note that the evidence utilised to support this policy is not clearly defined in the Consultation Statement. The relevant data is included in Appendix 10 (2019 Copthorne Village Survey Results & Analysis) and we would direct the Examiner to the size of existing dwellings and our ageing population which is set out below for ease of reference.

.../...

Bedroom Breakdown			Age Demographic		
No. Bedrooms	No. of Units	% of this size	Age	No. of Units	% of this size
1	4	1%	0-24	329	23%
2	69	11%	25-44	207	14%
3	272	45%	45-64	421	29%
4	199	33%	65+	484	34%
5	59	10%			
5+	6	1%			

The above data clearly demonstrates that whilst those aged over 65 in the Parish account for 34% of the population, 88% of the housing stock has more than two bedrooms.

Earlier iterations of this policy sought to provide an exact requirement (in terms of quantum and type) based on this finding which developments must meet/provide. However, it proved hard to set an exact quantitative requirement given the qualitative nature of the data the policy is based on. As a result, the current policy utilises a standardised development threshold (i.e. Major Development) to introduce the requirement for a smaller and accessible home to be provided that meets the needs of older people.

In the third part of the policy the emphasis has been reversed; is there any evidence at this stage to demonstrate that the policy will not affect viability?

This matter is considered on page 18 of the submitted Consultation Statement. The 2020 MHCLG consultation "*Raising accessibility standards for new homes*"¹ confirms that the estimated cost per dwelling would be in the region of £1,400 per dwelling. With average property prices in Mid Sussex standing at £400,293, against the national average of £268,291 in February 2021 this figure would easily be accommodated within the cost of a new build dwelling. Viability of a project is therefore unlikely to be impacted. The Parish Council accepts however that an in-depth viability appraisal has not been undertaken to demonstrate this and for this reason the policy wording includes the ability to not meet the requirement if it would render the scheme unviable.

Policy CNP6

Are there any Assets of Community Value (ACV) in the neighbourhood area? If so, do any of the ACVs overlap with the community facilities included within Policy CNP4?

The Prince Albert Pub on Copthorne Bank is currently nominated as an Asset of Community Value. The Prince Albert Pub is also listed as in policy CNP4.

Separate to the neighbourhood plan, the Parish Council is reviewing matters and may in the coming months look to nominate several new Assets of Community Value.

For the avoidance of doubt, CNP6 and CNP4 are distinctly separate policies which address similar, but different matters.

¹ See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/930274/200813_con_doc_final_1.pdf

Policy CNP7

The policy is an excellent local response to the approach in the NPPF on the designation of Local Green Spaces. In addition, it is underpinned by the detailed Assessment paper (August 2020). What are the respective sizes of LGS a (Westway), b (Cophorne Common) and i (Woodland East of Cophorne Common Road)?

The respective areas are:

CNP7.1(a) 1.5ha

CNP7.1(b) 6.4ha

CNP7.1(i) 4.9ha

As set out in the submission documents, these areas are not considered to be extensive tracts of land and are local in character.

Policies CNP 9-13

The Character Area work is very impressive. At the end of the first part of each policy there is a paragraph about the potential impact of development on the identified aspects of the Character Area. How did the Parish Council design the policy and how would it expect the District Council to apply this part of the policy on a consistent basis throughout the Plan period?

The overall objective is to ensure that the individual character and distinctiveness of each Character Area is sustained or reinforced through development, and not lost because of development. The Parish Council have tried to take a pragmatic approach, acknowledging that some proposals may cause minor harm to the positive aspects set out. Accordingly, this text at the end of the first part of each policy seeks to confirm that minor harm may be acceptable where compensatory improvements to other aspects are included as part of proposals. On review, we note that this could possibly be clearer and would welcome dialogue regarding rewording this paragraph if you thought that appropriate.

In terms of implementing the policy consistently throughout the Plan period we do not envisage there being any issues. The above should be on an exceptional basis and the overall aim is to retain the positive aspects of each area. Accordingly, each application will be dealt with individually by the Council as it would with any application. Reference would always be made by the decision maker to its impacts on the identified positive aspects and consideration given to whether it sustains or reinforces those positive aspects.

Policy CNP11

Should the fourth component be fourth part of the policy be supporting text rather than policy?

CNP11.4 is an important part of CNP11 as it confirms that the suburban development on Newlands Park is not characteristic of this area and should not be considered a suitable design/style/layout cue for further development within this character area.

As drafted, we can see why this could be seen as being more akin to supporting text, however, this is an important element that should not be left out of the policy. In *R (Cherkley Campaign Ltd) v Mole Valley DC* [2014] EWCA Civ 567, a clear distinction was drawn between policy and supporting text. The judge confirmed in that case that whilst there was an underlying "aim" of the Plan in supporting text, as it was not explicitly part of the relevant policies it did not need to be abided by. This means that only text in the policies themselves need to be considered to determine whether a proposal is in accordance with the Development Plan.

We would like to suggest that CNP11.4 be reworded as follows:

Development proposals should be in keeping with its surrounding context. However, the suburban development on Newlands Park is not characteristic of this area and should not be considered a suitable design/style/layout cue for further development within this character area.

Policy CNP14

In the first part of the policy, I can see the contents of the footnote. However, the purpose of a policy is to provide clarity. In this context I am minded to include a list of circumstances where proposed changes of use may be considered positively. Does the Parish Council have any comments on this proposition?

We would not object to the entire footnote becoming part of the policy. However, the very nature of an exceptional circumstance is that it is unique, and we therefore believe it would be inappropriate to set out a closed list of circumstances. In a similar way there is no set list of exceptional circumstances for applications in the Green Belt.

However, if you are minded to set out a list of circumstances we would ask that it be phrased as follows

'...will only be permitted in exceptional circumstances, such as but not limited to...'

This would allow scope for circumstances which we cannot possibly foresee at this moment in time.

Policy CNP15

Could the first part of the policy have the unintended consequence of supporting development in inappropriate locations?

CNP15.1(a) provides policy support for proposals which can demonstrate adequate sustainable transport *'...links to the principal village facilities including the village centre, the primary school, retail facilities, GPs' Surgery, recreation open space and other transport links already exist or will be provided as part of the development.'*

In the context of this policy a proposal is supported where it can demonstrate the above. However, the development plan is the starting point for decision making. Therefore, every proposal is considered against the development plan as a whole and therefore this policy will not be considered in isolation.

If a proposal was considered to be in an inappropriate location by virtue of other policies then that would need to be considered as part of the planning balance. If you wished to make this explicit, then the introduction to CNP15.1 could be amended to read;

'Development will be supported where it is in line with other policies in the development plan and promotes sustainable transport within the Plan Area by:'

On review we have noticed that the list set out in CNP15.1(a) may be considered to miss some principal village facilities and would request the examiner amends this part of the policy to read:

'Demonstrating that adequate sustainable transport links already exist, or new sustainable transport links will be provided as part of the development, to Important Community Facilities (set out in CNP4) and open spaces.

.../...

Is the third part of the policy both realistic and viable?

Yes.

WSSC already seek some electric charging facilities on all sites. This policy requires all spaces to either have electric chargers or be ready for chargers. This would simply require the laying of cabling or ducting underground between the relevant consumer unit and potential location of a car charger in future. Ensuring that these cabling routes are in place when hard landscaping is undertaken removes a significant barrier to later adoption of electric cars and installation of electric chargers. No longer would the exercise require ugly external surface mounted cables or the digging up of existing drives, instead it would just be a case of running a cable through ducting in place with no physical disruption to the built environment.

In terms of viability, underground electric cable ducting costs in the region of £1 per metre meaning that the actual cost of compliance with the policy would be negligible in all development proposals and not affect viability.

Policy CNP16

Are the proposed higher standards evidence-based?

Yes, please refer to Review of Parking Requirements (December 2020) for full analysis and evidence. The evidence clearly identifies local vehicle ownership trends and habits and the requirements set out in CNP16.3 will ensure that new dwellings have parking provision in line with these local trends and habits. We provide more detail later in this document, in response to comments made by Mid Sussex District Council (MSDC).

In any event is it the role of new development to resolve existing issues in the neighbourhood area?

The plan makes it clear that CNP16 seeks to ensure the current parking problem is not '*exacerbated by future development*'. The plan itself cannot resolve the existing parking issues but seeks to ensure that the parking problem is not made worse. To this end the parking standards set out in CNP16.3 will hopefully mean most parking in new developments will be accommodated off-street. The plan also seeks to provide policy support via CNP17 for proposals which may go some way to address the identified issue.

CNP16.1 & CNP16.2 do ask that where parking spaces or garages are lost on existing sites that new parking is provided in line with the requirements of CNP16.3 and we believe that this is an appropriate response to the identified issue. However, we can see the point being made and therefore suggest that these two clauses be merged/amended to read as follows:

Developments within the defined Built up Area Boundary which would result in the net loss of parking spaces (including spaces contained within garages) on site will be refused.

Comments in Representations

We have been asked to make comments on the following representations as we see fit.

Gatwick Airport

We note Gatwick Airport Limited's request for an Aerodrome Safeguarding Policy. Whilst we have no in principle objection to such a policy being included within the plan, we are mindful that such a policy has faced no public consultation to date and including it now may be contrary to our aim to offer our community a chance to comment on all elements of the plan. We would also suggest that such a policy is a strategic matter which would be better placed in a document prepared by Mid Sussex District Council.

<i>St Modwen Developments</i>

We would comment as follows:

- The policies map it not the correct place to illustrate development benefiting from planning permission. We endeavour to use up to date mapping and note that the site is currently being built out. We suggest that we update the ordnance survey mapping used prior to referendum to ensure that it is as up to date as it can be at that time.
- The neighbourhood plan must be prepared in accordance with adopted strategic policies contained in the development plan. Accordingly, it would be incorrect to show a draft proposed settlement boundary on any maps. Moreover, we do not consider the neighbourhood plan policies map to be the correct place to illustrate the current settlement boundary which is contained in the Mid Sussex District Plan. Partly as it would result in unnecessary duplication, and because doing so will only lead to confusion if/when the boundary is updated by MSDC and conflicting boundaries are shown in different documents.
- We see no reason to make changes in light of paragraphs 3.8 – 3.14. The neighbourhood plan is required by law to be in accordance with adopted strategic policy. Should the plan need updating in the future to align with changes to strategic policy then the Parish Council will consider doing so.
- As set out earlier in this note, the proposed parking standards are based on the trends and habits of the local population. This is a direct reflection on the plan area and local circumstances, including the type of people who live in the parish, the need to travel to shops/services/work, and commutable location on the M23. There is no compelling reason or evidence to believe the residents of the new St Modwen Development will adopt drastically different habits from their immediate neighbours and therefore reject the proposition that '*locations such as the development of land west of Copthorne that are unlikely to exhibit the same [parking] problems.*'

<i>Option Two Developments Limited</i>
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We note the representation but have no comments to make.

<i>Mid Sussex District Council</i>

We are disappointed to see that the District Council are actively trying to stop the Parish Council and local community in their attempts to introduce locally specific policies which address specific issues in the neighbourhood plan area. Central government confirms that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area.

We would largely refer the Examiner to the Consultation Statement submitted alongside the plan which details our efforts to engage with and respond to comments from MSDC prior to submission on the matters which they have raised in their representation. We would also direct the Examiner to our commentary above in this note which covers many of the points raised.

For the avoidance of doubt, we disagree with MSDC on the points they have raised and are confident that the neighbourhood plan meets the basic conditions. The plan and its proposed policies are in accordance with national policies and advice and is in general conformity with the strategic policies in the development plan.

That said, we would offer the following additional comments.

CNP3 The fact that CNP3 requires a greater proportion of housing to meet M4(2) than the District Plan is not relevant. CNP3 is supported by evidence and seeks to address a specific neighbourhood level issue which has been identified through consultation with our community. The District Council refers to the examiner's report for their District Plan whose policies faced the test of soundness, rather than the lesser test a neighbourhood plan faces of meeting the basic conditions. The proposed policy meets the basic conditions and, as set out earlier the proposed policy provides a get out clause should viability be negatively impacted.

CNP15.1(c) Again, the District Council seems to be taking issue with the neighbourhood plan seeking to address an acute local issue. We have previously considered CNP15.1(c) in light of MSDC comments and this consideration is set out in the Consultation Statement. We disagree with their comments on this and believe that this policy is entirely appropriate and meets the basic conditions.

CNP16 We have previously addressed MSDC's comments regarding the parking standards and are unsure from their comments whether they have read the Review of Parking Requirements (December 2020) submitted with the plan.

We believe the approach MSDC are taking to the identified problem to be incorrect. The intention is to significantly decrease the amount of on-street parking in new developments and therefore using averages to determine private parking requirements is a fallacy, as by definition many houses would not have adequate parking. By adding two columns to the table set out in both the Review of Parking Requirements (December 2020) and MSDC's representation the impact of the new neighbourhood plan standards on the amount of on-street parking is demonstrated. It shows that had development been provided in line with these requirements originally it would have resulted in approximately 190 less cars having to park on-street in the plan area.

	Number of cars	Number of responses	Percentage of response	Average number of cars	WSCC Requirement		Neighbourhood Plan Requirement	
					Space standard	Est. cars parking on-street	Space standard	Est. cars parking on-street
4+	0	7	3%	2.2	2.7	144	4	32
	1	47	18%					
	2	120	45%					
	3	56	21%					
	4	28	11%					
	5	4	2%					
3	6	2	1%	1.6	2.1	109	3	31
	0	20	7%					
	1	92	34%					
	2	127	47%					
	3	26	10%					
2	4	4	1%	1.3	1.7	53	2	53
	5	3	1%					
	0	4	6%					
	1	41	59%					
1	2	19	28%	0.5	1.4	0	1	0
	3	5	7%					
	0	2	50%					
	1	2	50%					
Total:						306	Total:	116

We fully accept that the locally specific parking standards will not 'mop up' (to use MSDC's terminology) the existing shortfall in residential parking spaces. We do however fully expect it to prevent new developments repeating past mistakes and result in a significant reduction of the number of cars required to park on-street in new developments, and a significant reduction in all the issues associated with that.

Separate to CNP16, the plan provides a positive strategy to address the current parking issues through CNP17 which, alongside action from the Parish Council outside the neighbourhood plan process, will go some way to address the existing parking issues in the plan area.

CNP9-13 We disagree with MSDC's comments and believe the approach adopted to be robust and meet the basic conditions.

Should you require any more information in response to your request for clarifications, or if there are any new queries arising from the above, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "Jennifer Nagy". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Jennifer Nagy
Clerk to the Council